

Notice of Allowability

Application No.

09/803,685

Examiner

Mark Ruthkosky

Applicant(s)

ENDO ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/9/2004.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ The drawings filed on 3/9/2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Mark Ruthkosky 3/14/04
Mark Ruthkosky
Primary Patent Examiner
Art Unit: 1745

DETAILED ACTION

Claim Objections

The objections to claims 2 and 16 under 37 CFR 1.75(c), has been overcome as the applicant has amended the claim(s) to place the claim(s) in proper dependent form, The applicant has provided arguments that the claim is dependent from claim one and additionally comprises more than one electrode in addition to the configuration of the independent claims.

Claim Rejections - 35 USC § 112

The rejection of claims 2 and 16 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been overcome by the applicant's amendment. The claim states that the first electrode is configured as a pair of first electrodes.

Allowable Subject Matter

Claims 1-27 are allowed.

The following is an examiner's statement of reasons for allowance: The instant claims are to a solid electrolyte battery comprising a first electrode including a first collector and a first active material formed on one surface of the first collector with an outer peripheral edge portion of the first collector remaining as a collector exposed portion; a second electrode including a second collector and second active material layers formed on both surfaces of the collector and a solid electrolyte interposed between the first and second electrodes wherein the second electrode

Art Unit: 1745

is held within the first electrode such that the first active material layer is opposed to the second active material formed on both surfaces of the second collector via the solid electrolyte and is sealed in the first electrode by joining the collector exposed portions of the first electrode to each other.

The prior art does not teach a solid electrolyte battery wherein the second electrode is held within the first electrode such that the first active material layer is opposed to the second active material formed on both surfaces of the second collector via the solid electrolyte and is sealed in the first electrode by joining the collector exposed portions of the first electrode to each other. Claims 14-27 teach a method of producing a battery that is sealed in the first electrode by joining the collector exposed portions of the first electrode to each other.

The most pertinent prior art includes Mallinson (US 5,714,278) which shows a solid electrolyte battery comprising a first electrode including a first collector and a first active material formed on one surface of the first collector with an outer peripheral edge portion of the first collector remaining as a collector exposed portion (see figure 3); a second electrode including a second collector and second active material layers formed on both surfaces of the collector and a solid electrolyte interposed between the first and second electrodes wherein the second electrode is held within the first electrode such that the first active material layer is opposed to the second active material formed on both surfaces of the second collector via the solid electrolyte (see figure 5.) The reference does not teach a solid electrolyte battery that is sealed in the first electrode by joining the collector-exposed portions of the first electrode to each other.

Further, Van Lerberghe (US 5,955,217) teaches a solid electrolyte battery comprising a first electrode including a first collector and a first active material formed on one surface of the first collector with an outer peripheral edge portion of the first collector remaining as a collector exposed portion (see figure 8); a second electrode including a second collector and second active material layers formed on both surfaces of the collector and a solid electrolyte interposed between the first and second electrodes wherein the second electrode is held within the first electrode such that the first active material layer is opposed to the second active material formed on both surfaces of the second collector via the solid electrolyte (see figure 3.) The reference does not teach a solid electrolyte battery that is sealed in the first electrode by joining the collector-exposed portions of the first electrode to each other. As the prior art does not teach a configuration wherein joining collector-exposed portions of a first electrode to each other seals a battery, the claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Ruthkosky whose telephone number is 571-272-1291. The examiner can normally be reached on FLEX schedule (generally, Monday-Thursday from 9:00-6:30.) If attempts to reach the examiner by telephone are unsuccessful, the examiner's

Art Unit: 1745

supervisor, Patrick Ryan can be reached at 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Ruthkosky

Primary Patent Examiner

Art Unit 1745


3/14/04